

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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|--|---|----------------------|
| United States of America, <i>ex rel.</i> | ) |                      |
| Thomas E. Lachkovich, <i>et al.</i> ,    | ) |                      |
|  | ) |                      |
| Plaintiffs,                              | ) |                      |
|  | ) |                      |
|  | ) | CASE NO. 1:11-cv-741 |
| v.                                       | ) |                      |
|  | ) |                      |
| George W. Bush, <i>et al.</i> ,          | ) |                      |
|  | ) |                      |
| Defendants.                              | ) |                      |

**MEMORANDUM OPINION AND ORDER**

THIS MATTER is before the Court following Plaintiff Thomas E. Lachkovich’s Show Cause hearing pursuant to the Court’s July 26, 2011 Order requiring Plaintiff to show cause as to why the Complaint should not be dismissed as frivolous and why Plaintiff should not be enjoined from further filings in this Court (“Show Cause Order”) (Dkt. No. 5) and on Defendants’ Motion to Dismiss (Dkt. No. 7) and Motion for Injunction (Dkt. No. 12). The Court grants Defendants’ Motions, dismissing Plaintiff’s Complaint and enjoining Plaintiff from further filings in this Court as set forth below because Plaintiff failed to appear for the Show Cause hearing, Plaintiff’s Complaint is frivolous, and Plaintiff has repeatedly filed frivolous Complaints in this Court.

Federal Rule of Civil Procedure 11(b)(2) (“Rule 11”) provides for sanctions against a party that files frivolous lawsuits lacking cognizable legal contentions. One of the aims of Rule 11 sanctions is to “deter repetition of the conduct or comparable conduct by others similarly situated.” Fed. R. Civ. P. 11(c)(2). A federal judge may take action against a litigant who unduly imposes on the ability of the Court to carry out its Article III functions. 28 U.S.C. § 1651(a) (2006). See *Pavilonis v. King*, 626 F.2d 1075 (1st Cir. 1980); *In re Greene*, 682 F.2d

443 (3d Cir. 1982); *see also Autry v. Woods*, No. 96-6112, 1996 WL 276315, at \*1 (4th Cir. May 24, 1996).

Plaintiff has filed numerous complaints and frivolous filings in this Court, which have been dismissed as frivolous and have unnecessarily taxed Defendants' resources. When a complaint is dismissed, he will simply file a new complaint under a different case number, often before a different judge and, many times adding to the list of Defendants the judge that previously dismissed the suit. In addition, Plaintiff failed to comply with the Show Cause Order that directed him to appear to show cause why his Complaint should be dismissed and he be enjoined from future filings. Plaintiff's multiple Rule 11 violations, as just described, force this Court to enjoin Plaintiff from filing future matters in this Court to the extent that such filings would be inconsistent with this Order. Accordingly, it is hereby

ORDERED that Plaintiff Thomas E. Lachkovich's Complaint is DISMISSED with prejudice. It is further

ORDERED that Plaintiff Thomas E. Lachkovich be, and the same hereby is, ENJOINED from filing any new civil action in the Eastern District of Virginia and from filing any new motions, papers, or requests for relief in any civil actions currently pending in the Eastern District of Virginia without first seeking and obtaining leave to file in compliance with this Order. It is further

ORDERED that the Clerk shall not accept for filing any civil actions, including motions to proceed *in forma pauperis*, in the Eastern District of Virginia or any new motions, papers, or requests for relief in any civil actions currently pending in the Eastern District of Virginia, and if Plaintiff Thomas E. Lachkovich seeks to file any new civil actions, including motions to proceed *in forma pauperis*, in the Eastern District of Virginia or any new motions, papers, or requests for

relief in any civil actions currently pending in the Eastern District of Virginia, he shall accompany the complaint, motion, paper, or request for relief he wishes to file with a "Motion for Leave to File Pursuant to Court Order," which shall then be forwarded to the judge assigned to the case for a determination as to whether leave to file shall be granted. It is further

ORDERED that any "Motion for Leave to File Pursuant to Court Order" shall be accompanied by four attachments: (1) a copy of this Order; (2) a statement that the claims or relief sought are not frivolous and are made in good faith; (3) a statement setting forth a valid basis for the claims or relief sought; and (4) a statement that the claims or relief sought either have or have not been raised before in other litigation, and if they have previously been raised, the name of the case, the court in which it was filed, the case number, and the disposition of the claims. It is further

ORDERED that any "Motion for Leave to File Pursuant to Court Order" shall be referred to a magistrate judge of this Court to determine and issue a report and recommendation as to whether the complaint demonstrates a prima facie cause of action for relief under Federal Rule of Civil Procedure 12(b)(6). The report shall be provided to the District Judge for consideration and issuance of an order either allowing or denying the filing. It is further

ORDERED that failure to comply with this Order may be sufficient grounds for the Court to deny any "Motion for Leave to File Pursuant to Court Order" filed by Plaintiff.

If Plaintiff, pro se, wishes to appeal this ruling, he must file, within thirty (30) days of the date of this order, a Notice of Appeal with the Clerk of Court.

The Clerk is directed to forward a copy of this Order to counsel of record.

ENTERED this 14<sup>th</sup> day of September, 2011.

Alexandria, Virginia

9/14/2011

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/s/  
Gerald Bruce Lee  
United States District Judge